

1
2
3
4
5
6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 STEPHEN MACK,

10 Petitioner,

No. CIV S-02-1539 GEB JFM P

11 vs.

12 G. M. GALAZA, Warden, et al.,

13 Respondents.

ORDER

14 _____/
15 Petitioner is a state prisoner proceeding pro se with this application for a writ of
16 habeas corpus pursuant to 28 U.S.C. § 2254. On May 17, 2006, this court issued findings and
17 recommendations which recommended that petitioner's application be denied. Subsequently,
18 petitioner filed two requests for extension of time to file objections to the findings and
19 recommendations and one request for the appointment of counsel. All of those requests were
20 denied. On August 7, 2006, petitioner filed another request for the appointment of counsel.
21 Attached to petitioner's request is a February 2, 2006, letter on the letterhead of the Division of
22 Adult Institutions at California State Prison, Corcoran, from G. Goddard, Ph.D., who is
23 designated as "principal." The letter is addressed to "Federal, State and Local Courts" and it
24 states that because of extensive remodeling and modifications to the law library at Corcoran,
25 there has been "no access" to the libraries by inmates who have been identified as priority legal
26 users, and that the "paging" system provided to the inmates "does not fully meet the entire case
research needs of impacted inmates." Petitioner does not explain whether the library at Corcoran

1 is still undergoing remodeling or how the situation at the law library has impacted his ability to
2 file objections to the findings and recommendations.

3 There currently exists no absolute right to appointment of counsel in habeas
4 proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C.
5 § 3006A authorizes the appointment of counsel at any stage of the case “if the interests of justice
6 so require.” See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does
7 not find that the interests of justice would be served by the appointment of counsel at the present
8 time. The court will, however, grant petitioner another extension of time to file objections to the
9 findings and recommendations. If petitioner is unable to meet the deadline set by this order, he
10 must explain in detail why he needs further time to file objections, including whether the law
11 library at Corcoran prison is still closed. Unexplained letters and vague assertions will not be
12 sufficient to warrant any further extensions of time.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. Petitioner’s August 7, 2006, request for appointment of counsel is denied; and
15 2. Petitioner shall file and serve objections to the May 17, 2006, findings and
16 recommendations on or before October 15, 2006.

17 DATED: August 25, 2006.

18
19 
20 UNITED STATES MAGISTRATE JUDGE

21 8:mack1539.aty
22
23
24
25
26